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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LOCAL 10, INTERNATIONAL LONGSHORE)

AND WAREHOUSE UNION, et al.,) **File No.** No. C 03-2962 TEH (JL)

Plaintiffs,) Hon. Thelton E. Henderson
vs.)

CITY OF OAKLAND; et al.,

Defendants.) **DEFENDANTS WITH PREJUDICE AS TO**
_____) **PLAINTIFF SCOTT FLEMING ONLY**

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C03-2962 THE (JL)

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1 **STIPULATION**

2 IT IS HEREBY STIPULATED by and between the parties, Plaintiff SCOTT FLEMING, and
3 the Defendants CITY OF OAKLAND, RICHARD WORD, PATRICK HAW, ROD YEE, E.
4 POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R.
5 GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R.
6 CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J.
7 KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G.
8 TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU,
9 OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E.
10 ROMANS and OFF. C. DELROSARIO, through their designated counsel that the above-captioned
11 action entitled Local 10, International Longshore and Warehouse Union, et al., vs. City of Oakland, et
12 al, and numbered C 03-2962 TEH (JL), be and hereby is dismissed with prejudice pursuant to FRCP
13 41(a)(1), as to all of the claims of plaintiff SCOTT FLEMING ONLY, against the individual officer
14 defendants ONLY, whose names are listed as follows:

15 RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN,
16 DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R.
17 HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G.
18 BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA,
19 J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D.
20 CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF.
21 J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C.
22 DELROSARIO.

23 It is acknowledged that SCOTT FLEMING's claims against the CITY OF OAKLAND are to
24 be resolved pursuant to his acceptance of the CITY OF OAKLAND's offer of judgment pursuant to
25 FRCP Rule 68 and offer of compromise pursuant to California CCP § 998 dated February 17, 2005.
26 This dismissal with prejudice of the individual officer defendants is a condition of that offer of
27 judgment and offer to compromise.

1 Dated: May 12, 2005

2 /s/James B. Chanin
3 JAMES B. CHANIN
4 Attorney for Plaintiffs in Local 10, et al.

5 Dated: May 12, 2005

6 /s/Gregory M. Fox
7 GREGORY M. FOX
8 Attorney for Defendants City of Oakland et al.

9
10 **ORDER**

11 Having reviewed the stipulation of the parties, and good cause appearing therefore
12
13 THIS COURT ORDERS THAT, pursuant to the parties' stipulation and the CITY OF
14 OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to
15 California CCP § 998 dated February 17, 2005, and plaintiff SCOTT FLEMING's acceptance
16 thereof, Plaintiff SCOTT FLEMING's action No. C -03-2962 THE (JL) shall be and hereby is
17 dismissed with prejudice as against the following defendants ONLY: RICHARD WORD, PATRICK
18 HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER,
19 E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M.
20 RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M.
21 MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM,
22 SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F.
23 UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E.
24 ROMANS and OFF. C. DELROSARIO.

25 BY STIPULATION OF THE PARTIES, IT IS SO ORDERED.

26
27 DATE
28

12/09/05



THELTON E. HENDERSON
UNITED STATES DISTRICT JUDGE